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 12 SERGIO MARQUEZ

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION**

16 SERGIO MARQUEZ, an individual, on behalf
 17 of himself and all others similarly situated,

18 Plaintiff,

19 vs.

20 BANK OF AMERICA, N.A., a National
 21 Association with its principle place of business
 in North Carolina, et al.,

22 Defendants.
 23

CASE NO. 4:17-cv-00555-CW

**JOINT STIPULATION TO AMEND THE
 AUGUST 25, 2017 CASE MANAGEMENT
 ORDER AND ~~PROPOSED~~ ORDER
 THEREON**

24 This Stipulation is made by and between Plaintiff Sergio Marquez (“Plaintiff”) and
 25 Defendant Bank of America, N.A. (the “Bank”) through their respective counsel and in light of the
 26 following facts:
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RECITALS

WHEREAS, on or about February 2, 2017, Plaintiff filed this action against the Bank, and the Court issued a summons on February 3, 2017;

WHEREAS, on February 7, 2017, the Court set April 25, 2017 as the date for the Parties to meet and confer regarding initial disclosures, file the ADR certification, and to file a Stipulation to the ADR process;

WHEREAS, on August 25, 2017, based on a Stipulation of the Parties, the Court set October 11, 2017 as the deadline for the Parties to submit their Joint Fed. R. Civ. P. 26(f) Report, and further set the Initial Case Management Conference for November 7, 2017;

WHEREAS, on September 1, 2017, the Bank filed a Motion to Dismiss Plaintiff's Complaint;

WHEREAS, on September 22, 2017, pursuant to Fed. R. Civ. P. 15(a)(1)(G), Plaintiff amended his Complaint by filing his First Amended Complaint;

WHEREAS, the First Amended Complaint names two additional defendants, Talx Corporation and Business Information Group, Inc.,

WHEREAS, on October 3, 2017, the Plaintiff and the Bank stipulated to allow the Bank to file its responsive pleading to Plaintiff's First Amended Complaint on or before October 27, 2017;

WHEREAS, Defendant Talx Corporation is set to file their responsive pleading on or before October 23, 2017;

WHEREAS, Defendant Business Information Group, Inc., is set to file its responsive pleading on October 23, 2017;

WHEREAS, as a result of the inclusion of these new defendants, and with the responsive pleading for the Bank due on October 27, 2017, the Parties do not believe they can submit a substantive Rule 26(f) Report as of this time; and,

WHEREAS, an Initial Case Management Conference as currently set for November 7, 2017, also may not be productive due to the inclusion of the new Parties.

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STIPULATION

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and the Bank through their respective undersigned counsel that: The Case Management Dates, as set forth in the Court’s August 25, 2017 Order be continued.

As such, the Parties request that the Case Management Order set the following dates:

November 14, 2017: Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per Standing Order re Contents of Joint Case Management Statement;

December 5, 2017: INITIAL CASE MANAGEMENT CONFERENCE (CMC)

DATED: October 11, 2017

KEEGAN & BAKER, LLP

By: /s/ James M. Treglio, Esq.
James M. Treglio, Esq.

Attorneys for Plaintiff
SERGIO MARQUEZ

DATED: October 11, 2017

MCGUIREWOODS LLP

By: /s/ Bryan A. Fratkin, Esq.
Bryan A. Fratkin Esq. (*pro hac vice*)

Attorneys for Defendant
BANK OF AMERICA, N.A.

ATTESTATION

In compliance with Civil Local Rule 5-1(i)(3), regarding signatures, I hereby attest that I have obtained the concurrence in the filing of this document from all signatories.

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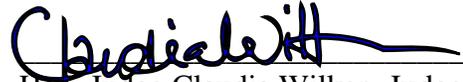
~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERD that the August 25, 2017 Case Management Order is amended as follows:

November 14, 2017: Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per Standing Order re Contents of Joint Case Management Statement;

December 5, 2017: INITIAL CASE MANAGEMENT CONFERENCE (CMC)

Dated: 10/12/2017


Hon. Judge Claudia Wilken, Judge of the
United States District Court For the Northern
District of California